

Notice of Allowability

Application No.	Applicant(s)	
10/019,483	BENCZUR-UERMOESSY ET AL.	
Examiner	Art Unit	
Gregg Cantelmo	1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Amendments received April 24, 2004 and June 23, 2004.
2. The allowed claim(s) is/are 32-58.
3. The drawings filed on 24 June 2004 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
 Paper No./Mail Date June 22, 2004 .
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Gregg Cantelmo
Primary Examiner
Art Unit: 1745

DETAILED ACTION

Drawings

1. The drawings received June 24, 2004 are acceptable for examination purposes.

Allowable Subject Matter

2. Claims 32-58 are allowed.
3. The following is an examiner's statement of reasons for allowance:
 - a. With respect to claims 40 and dependent claims 32-39 and 41-51, none of the prior art of record are considered to teach, suggest or render obvious the invention defined in claim 40 wherein the common gas space is in the center of the stack and in communication with the subcells.

Neither Lim, Stockel nor Stadnick are considered to teach or suggest this relationship in combination with the remaining bipolar stack design limitations of claim 40. Further reasoning can be found on page 15 of Applicant's remarks in the amendment received April 21, 2004, incorporated herein.

- b. With respect to claims 52-56, none of the prior art of record is considered to teach, suggest or render obvious the invention defined in claim 52 wherein the subcells form a stack having a central passage and the subcells are connected to the central passage by porous connecting elements.

Neither Lim, Stockel nor Stadnick are considered to teach or suggest this relationship in combination with the remaining bipolar stack design limitations of

claim 52. Further reasoning can be found on pages 15 and 16 of Applicant's remarks in the amendment received April 21, 2004, incorporated herein.

c. With respect to claims 57 and 58, none of the prior art of record are considered to teach, suggest or render obvious the invention defined in claims 57 and 58, respectively wherein the common gas space is in the center of the stack and in communication with the subcells.

Neither Lim, Stockel nor Stadnick are considered to teach or suggest this relationship in combination with the remaining bipolar stack design limitations of claim 40. Further reasoning can be found on page 15 of Applicant's remarks in the amendment received April 21, 2004, incorporated herein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregg Cantelmo whose telephone number is (571) 272-1283. The examiner can normally be reached on Monday to Thursday from 9 a.m. to 6 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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FAXES received after 4 p.m. will not be processed until the following business day. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregg Cantelmo
Primary Examiner
Art Unit 1745

gc



June 23, 2004